

E-FILED on 10/31/09

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re JACQUELINE C.MELCHER, aka,  
JACQUELINE CARLIN,

Debtor.

No. C-09-03610-RMW  
C-09-03516-RMW

ORDER GRANTING MOTION TO  
CONSOLIDATE BANKRUPTCY APPEALS

JACQUELINE CARLIN MELCHER,

Appellant,

v.

JOHN W. RICHARDSON, TRUSTEE,


Appellee.

On June 26, 2009, appellant Jacqueline Melcher ("Melcher") moved to consolidate two appeals from U.S. Bankruptcy Court, Docket Nos. C 09-03610 RMW, C 09-03516 RMW. The parties are the same in all three actions, and Melcher alleges that both appeals concern the "Moshup Trail Property Sale." According to appellee John W. Richardson ("Richardson"), the first appeal is from the Bankruptcy Court's order authorizing the trustee to sell property, and the second appeal is from the Bankruptcy Court's order denying a stay of the property sale pending the appeal of the

1 property sale. Richardson opposes to the motion to consolidate, arguing that differences in the  
2 record and standard of review in each appeal.

3       Given that the two appeals both concern the property sale and are closely procedurally  
4 related, the court concludes that consolidation is appropriate. The consolidated case shall be entitled  
5 “In re Jacqueline Melcher Moshup Trail Bankruptcy Appeals,” and shall bear the case number of the  
6 earliest filed case: C 09-03516 RMW. After filing this order in each case, the clerk of the court is  
7 ordered to close the file on the other case, No. 09-03610 RMW. All future filings by plaintiff with  
8 respect to the above-entitled cases shall be in the consolidated case file.

9  
10  
11 DATED: 10/27/09

  
\_\_\_\_\_  
RONALD M. WHYTE  
United States District Judge

1 **THIS SHALL CERTIFY THAT A COPY OF THIS ORDER WAS PROVIDED TO:**

2 **Plaintiff:**

3 Jacqueline C. Melcher  
4 P.O. Box 222798  
5 Carmel, CA 93922

6 **Counsel for defendant:**

7 Charles Patrick Maher cmaher@luce.com  
8 Diana Donabedian ddonabedian@luce.com

9 Counsel are responsible for distributing copies of this document to co-counsel that have not registered  
10 for e-filing under the court's CM/ECF program.

11 Date: 10/31/09

JAS  
Chambers of Judge Whyte